THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 12250 of 2001

TUESDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FIVE

Between:

1 M.Sucharita W/o Vinod Reddy,
R/o 1-8-405/4 and 405/5, Chikkadpally,
Hyderabad. And others.

..... PETITIONERS

AND

Municipal Corporation of Hyderabad Rep. by its Commissioner,
Office at Tank Bund, Hyderabad.

.....RESPONDENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

–

WRIT PETITION NO : 12250 of 2001

O R D E R:

This writ petition is filed under Article 226 of the Constitution of India seeking a Mandamus declaring the action of the respondent-Corporation in issuing the impugned notice vide Lr.No.180/TPS/C3/MCH/2001 DATED 16-06-2001 for demolition of unauthorized construction as illegal and arbitrary.

In the affidavit filed in support of the writ petition it is stated that the petitioners constructed a residential complex in premises No.1-8-405/4 and 1-8-405/5 situated at Chikkadpally, Hyderabad, after obtaining necessary permission from the respondent corporation to construct Stilt + 5 upper floors vide permit No.77/92 dated 16-2-1998 in File No.189/TP3/97. It is stated that the petitioners applied for permission to regularize the unauthorized constructions under the Building Regularization Scheme (B.R.S.) as per G.O.Ms.No.419 M.A. dated 30-7-1998 (B.R.S.) after paying requisite fee of Rs.25,000/- on 26-8-1998 and Rs.1,00,000/- on 31-12-1998. The respondent-corporation even after receipt of the said requisite fee did not chose to consider their request as per the above said G.O. and apart from that, all of a sudden issued the impugned notice asking to demolish the unauthorized

construction, which is illegal, arbitrary and contrary to G.O.Ms.No.419 M.A. Aggrieved by the same, the present writ petition has been filed.

Heard both sides.

The case of the petitioners is that even after receipt of the application by the respondent-corporation for regularization of the unauthorized constructions under Building Regularization Scheme (B.R.S.) along with requisite fee which is pending for consideration, the respondent-corporation, all of a sudden issued the impugned notice, contrary to G.O.Ms.No.419 M.A. dated 30-07-1998.

Having regard to the facts and circumstances of the case and in view of the fact that the application for regularization of the unauthorized constructions filed by the petitioner is pending for consideration, I deem it appropriate to direct the respondent-corporation to consider the said application and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of the Order after giving reasonable opportunity to the petitioner.

Accordingly, the writ petition is disposed of. No costs.

_____

02-08-2005

Mjl/*